

25.11.2022
18 & 19
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Allowed

C.R.M. (DB) No. 4034 of 2022
with
CRM (DB) No. 3203 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Swarupnagar Police Station Case No. 401 of 2022 dated 20.04.2022 under Section 188 of the Indian Penal Code and Section 14 of the Foreigners Act and Section 12 of the PP Act.

And

In Re : Subir Mallick petitioner

Mr. Sunny Nandy
Mr. Gourab Kumar Nath
Mr. Subha Pathak

.....for the petitioner

Mr. S. S. Imam
Mr. S. Kundu

.....for the State

Pursuant to our earlier direction, Investigating Officer is personally present in Court. His presence is noted and dispensed with.

Petitioner renews his prayer for bail. He has relied on Voter's Identity Card in support of his plea of citizenship.

Learned Counsel appearing for the State opposes the prayer for bail.

Investigating Officer is present in Court. He places report. From the report it appears that the Voter's Identity Card of the petitioner is genuine.

In view of the aforesaid change in circumstances, we are inclined to grant bail to the petitioner.

Accordingly, we direct that the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Basirhat, North 24-Parganas, subject to conditions that the petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, accordingly, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)